

## REMARKS

After entry of this amendment, claims 1-33 will be pending for the Examiner's review and consideration. The Office Action dated December 11, 2003 has been carefully considered. Claims 1 and 17 have been amended to make explicit what was already implicit and thus no estoppel effect should be given to the amended claims. No new matter has been added. Reconsideration and allowance of the present application in view of the above amendments and the following remarks is respectfully requested.

In the Office Action dated December 11, 2003, the Examiner:

- rejected claims 1-16 under 35 U.S.C. § 112¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More specifically, the Examiner stated that the phrase "the engagement portion is configured ... to provide resistance against movement of the body members toward ..." is inaccurate since it cannot be fairly stated that the engagement portion located on one of the body members has any part in resisting their relative movement;
- rejected claims 1-4, 6, 9, 11, 13-15, 17, 18, 20, 22, 23, 25-27, 29, 31, and 32 under 35 U.S.C. § 102(a) as being anticipated by United States Patent Nos. 3,829,737 to Johnsson ("Johnsson"); 4,626,731 to Sadoya ("Sadoya"); and 5,626,731 to Meury ("Meury");
- rejected claims 5, 7, 10, 12, 16, 19, 21, 24, 28, 30, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Johnsson, Sadoya, and Meury.

### 35 U.S.C. § 112¶2 Rejection

Independent claim 1 was rejected under 35 U.S.C. § 112¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. That is, the Examiner stated that independent claim 1 was inaccurate since it cannot be fairly stated that the engagement portion located on one of the body members has any part in resisting their relative movement. Independent claim 1 has been amended to make explicit what was already implicit. As amended, claim 1 recites, *inter alia*, a piezoelectric ignition mechanism comprising first and second body members moveable with respect to one another between a first position and a second position; a plexor member, and an engagement portion wherein the engagement portion is configured and dimensioned to receive at least a portion of the plexor member and is configured and dimensioned to provide additional resistance against the release of the plexor member

therefrom. It is respectfully submitted that independent claim 1 satisfies the requirements of 35 U.S.C. § 112¶2. Withdrawal of this rejection and allowance of independent claim 1 is respectfully requested.

### **35 U.S.C. § 102(a)/103(a) Rejections**

#### **Independent Claim 1**

Independent claim 1 was rejected under 35 U.S.C. § 102(a) as being anticipated by Johnsson, Sadoya, and/or Meury.

Independent claim 1 recites, *inter alia*, a piezoelectric ignition mechanism comprising first and second body members moveable with respect to one another between a first position and a second position, a plexor member, and an engagement portion wherein the engagement portion is configured and dimensioned to receive at least a portion of the plexor member and is configured and dimensioned to provide additional resistance against the release of the plexor member therefrom. There is no disclosure, teaching, or suggestion in either Johnsson, Sadoya, or Meury of an engagement portion configured and dimensioned to receive at least a portion of a plexor member and configured and dimensioned to provide additional resistance against release of the plexor member.

In contrast, Johnsson discloses a lug 6, an inner casing 1 having a slot 2, and an outer casing 3 having a slot 4 and a retaining notch 4a. In its normal position, the lug 6 resides in the retaining notch 4a. However, as a user applies pressure, the lug 6 is cammed aside by the ramp 2a formed in the slot 2 of the inner casing 1 so that the lug 6 can travel along the inclined lower surface 12 formed in the slot 4 of the outer casing 3. There is no disclosure, teaching, or suggestion in Johnsson of an engagement portion configured and dimensioned to provide additional resistance against the release of the plexor member aside from the normal frictional forces that exist between the lug and the retaining notch. Thus, it is respectfully submitted that Johnsson does not disclose, teach, or suggest all of the limitations of independent claim 1.

Similarly, Sadoya discloses a hammer, an inner case having a window formed therein, and an outer case having a window and an engaging portion formed therein. The inner casing, outer casing, and windows are arranged so that as a user depresses the ignition mechanism, the hammer is urged by the shape of the window formed in the inner case to release the hammer from the engaging portion formed in the outer case. There is no disclosure, teaching, or suggestion in Sadoya of an engagement portion configured and dimensioned to provide additional resistance against the release of the plexor member aside from the normal frictional forces that exist between the hammer and the engaging portion.

Thus, it is respectfully submitted that Sadoya does not disclose, teach, or suggest all of the limitations of independent claim 1.

Moreover, Meury discloses a plexor 6 having a pair of lugs 11, an interior assembly 1 having a longitudinal slot 13 and a lateral notch 12 formed therein, and an exterior assembly 2 having a window 21 formed therein. In the rest position, the lugs 11 of the plexor 6 are housed in the lateral notch 12 of the internal assembly 1. To create a spark, a user applies a force causing the lugs 11 to move along the edges of the window 21 which thereby causes the lugs 11 to come out of the notch 12. There is no disclosure, teaching, or suggestion in Meury of an engagement portion configured and dimensioned to provide additional resistance against the release of the plexor member aside from the normal frictional forces that exist between the lug and the lateral notch. Thus, it is respectfully submitted that Meury does not disclose, teach, or suggest all of the limitations of independent claim 1.

Therefore, it is respectfully submitted that neither Johnsson, Sadoya or Meury, either alone or in combination, disclose, teach, or suggest all of the limitations of independent claim 1. Thus, it is respectfully submitted that independent claim 1 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 1 is therefore respectfully requested.

Claims 2-16 all ultimately depend from independent claim 1, and thus, it is respectfully submitted that these claims are equally allowable for at least this reason. Withdrawal of these rejections and allowance of claims 2-16 is therefore respectfully requested.

#### Independent Claim 17

Independent claim 17 was rejected under 35 U.S.C. § 102(a) as being anticipated by Johnsson, Sadoya, and/or Meury.

Independent claim 17 recites, *inter alia*, a piezoelectric ignition mechanism comprising first and second body members moveable with respect to one another between a first position and a second position, one of the body members defining a track and a retaining surface substantially adjacent the track, the retaining surface having an engagement portion; and a plexor member having at least one lug portion; wherein when the first and second members are moved a predetermined distance toward the second position, the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. There is no disclosure, teaching, or suggestion in either Johnsson, Sadoya, or Meury of providing a track and a retaining surface having an engagement portion wherein

the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion.

In contrast, as previously described, Johnsson discloses a lug 6, an inner casing 1 having a slot 2, and an outer casing 3 having a slot 4 and a retaining notch 4a. In its normal position, the lug 6 resides in the retaining notch 4a. However, as a user applies pressure, the lug 6 is cammed aside by the ramp 2a formed in the slot 2 of the inner casing 1 so that the lug 6 can travel along the inclined lower surface 12 formed in the slot 4 of the outer casing 3. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Johnsson of providing a track and a retaining surface having an engagement portion wherein the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. Thus, it is respectfully submitted that Johnsson does not disclose, teach, or suggest all of the limitations of independent claim 17.

Similarly, as previously described, Sadoya discloses a hammer, an inner case having a window formed therein, and an outer case having a window and an engaging portion formed therein. The inner casing, outer casing, and windows being arranged so that as a user depresses the ignition mechanism, the hammer is urged by the shape of the window formed in the inner case to release the hammer from the engaging portion formed in the outer case. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Sadoya of providing a track and a retaining surface having an engagement portion wherein the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. Thus, it is respectfully submitted that Sadoya does not disclose, teach, or suggest all of the limitations of independent claim 17.

Moreover, as previously described, Meury discloses a plexor 6 having a pair of lugs 11, an interior assembly 1 having a longitudinal slot 13 and a lateral notch 12 formed therein, and an exterior assembly 2 having a window 21 formed therein. In the rest position, the lugs 11 of the plexor 6 are housed in the lateral notch 12 of the internal assembly 1. To create a spark, a user applies a force causing the lugs 11 to move along the edges of the window 21 which thereby causes the lugs 11 to come out of the notch 12. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Meury of providing a track and a retaining surface having an engagement portion wherein the engagement portion is sized and configured to releasably engage the at least one lug portion to provide resistance against the lug portion releasing from the engagement portion. Thus, it is respectfully submitted that Meury does not disclose, teach, or suggest all of the limitations of independent claim 17.



Therefore, it is respectfully submitted that neither Johnsson, Sadoya or Meury, either alone or in combination, disclose, teach, or suggest all of the limitations of independent claim 17. Thus, it is respectfully submitted that independent claim 17 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 17 is therefore respectfully requested.

Claims 18-24 all ultimately depend from independent claim 17, and thus, it is respectfully submitted that these claims are equally allowable for at least this reason. Withdrawal of these rejections and allowance of claims 18-24 is therefore respectfully requested.

#### Independent Claim 25

Independent claim 25 was rejected under 35 U.S.C. § 102(a) as being anticipated by Johnsson, Sadoya, and/or Maury.

Independent claim 25 recites, *inter alia*, a piezoelectric ignition mechanism comprising first and second body members moveable with respect to one another between a first position and a second position, one of the body members defining a track and a retaining surface substantially adjacent the track, and the other one of the body members defining an engagement portion; and a plexor member having at least one lug portion; wherein when the body members are in the first position, the lug portion is retained by the retaining surface and when the first and second members are moved a predetermined distance toward the second position, the engagement portion resists release of the lug portion from the retaining surface. There is no disclosure, teaching, or suggestion in either Johnsson, Sadoya, or Meury of providing an ignition mechanism comprising first and second body members wherein one of the body members defines a track and a retaining surface while the other body member defines an engagement portion for resisting release of the lug portion from the retaining surface.

In contrast, Johnsson discloses an inner casing 1 having a slot 2, and an outer casing 3 having a slot 4 and a retaining notch 4a for receiving a lug 6. As a user applies pressure, the lug 6 is moved aside by a ramp 2a formed in the slot 2 of the inner casing 1. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Johnsson of providing an ignition mechanism comprising first and second body members wherein one of the body members defines a track and a retaining surface while the other body member defines an engagement portion for resisting release of the lug portion from the retaining surface. Thus, it is respectfully submitted that Johnsson does not disclose, teach, or suggest all of the limitations of independent claim 25.

Similarly, Sadoya discloses an inner case having a window formed therein, and an outer case having a window and an engaging portion formed therein for receiving a

hammer. The inner casing, outer casing, and windows are arranged so that as a user depresses the ignition mechanism, the hammer is urged by the shape of the window formed in the inner case to release the hammer from the engaging portion formed in the outer case. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Sadoya of providing an ignition mechanism comprising first and second body members wherein one of the body members defines a track and a retaining surface while the other body member defines an engagement portion for resisting release of the lug portion from the retaining surface. Thus, it is respectfully submitted that Sadoya does not disclose, teach, or suggest all of the limitations of independent claim 25.

Moreover, as previously described, Meury discloses a plexor 6 having a pair of lugs 11, an interior assembly 1 having a longitudinal slot 13 and a lateral notch 12 formed therein, and an exterior assembly 2 having a window 21 formed therein. In the rest position, the lugs 11 of the plexor 6 are housed in the lateral notch 12 of the internal assembly 1. To create a spark, a user applies a force causing the lugs 11 to move along the edges of the window 21 which thereby causes the lugs 11 to come out of the notch 12. Thus, it is respectfully submitted that there is no disclosure, teaching, or suggestion in Meury of providing an ignition mechanism comprising first and second body members wherein one of the body members defines a track and a retaining surface while the other body member defines an engagement portion for resisting release of the lug portion from the retaining surface. Thus, it is respectfully submitted that Meury does not disclose, teach, or suggest all of the limitations of independent claim 25.

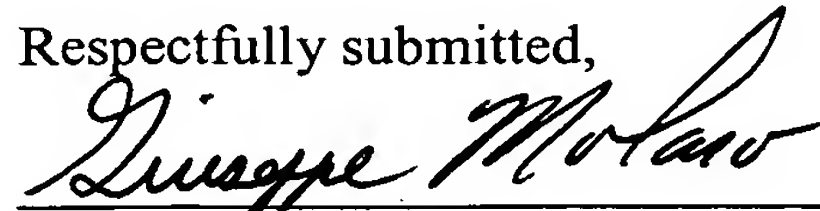
Therefore, it is respectfully submitted that neither Johnsson, Sadoya or Meury, either alone or in combination, disclose, teach, or suggest all of the limitations of independent claim 25. Thus, it is respectfully submitted that independent claim 25 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 25 is therefore respectfully requested.

Claims 26-33 all ultimately depend from independent claim 25, and thus, it is respectfully submitted that these claims are equally allowable for at least this reason. Withdrawal of these rejections and allowance of claims 26-33 is therefore respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 1-33 are now in condition for allowance, and the Examiner is respectfully requested to reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-790-6348, if a telephone call could help resolve any remaining issues.

Date: March 11, 2004

Respectfully submitted,



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